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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHRISTOPHER WILLIAMS, SAM ALBURY, and SHAIA BECKWITH SIMMONS, individually and on behalf of all others similarly situated,

Plaintiffs,

V.

WELLS FARGO BANK, N.A. and WELLS FARGO & CO.,

Defendants

Case No. 3:22-cv-00990-JD

The Hon. James Donato

**DEFENDANT WELLS FARGO BANK, N.A.
AND WELLS FARGO & CO.'S
ADMINISTRATIVE MOTION TO
CONTINUE THE INITIAL CASE
MANAGEMENT CONFERENCE**

Complaint Filed: February 17, 2022
FAC Filed: April 14, 2022

1 **I. INTRODUCTION**

2 Pursuant to Local Rule 7-11, Defendants Wells Fargo Bank, N.A. and Wells Fargo & Co.
 3 (collectively “Wells Fargo”) respectfully request this Court continue the *Williams* October 20,
 4 2022, Initial Case Management Conference to a date set by the Court following resolution of
 5 Wells Fargo’s Motion to Consolidate Cases (“Motion to Consolidate”) and the competing
 6 motions for interim counsel.

7 **II. ARGUMENT**

8 “Federal courts have inherent power ‘to control the disposition of the causes on [their]
 9 docket[s] with economy of time and effort for [themselves], for counsel, and for litigants.’” *Sarkar*
 10 *v. Garland*, 39 F.4th 611, 617 (9th Cir. 2022) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254,
 11 57 S.Ct. 163, 81 L.Ed. 153 (1936)).

12 Wells Fargo respectfully requests the Court exercise that power here to hold the *Williams*
 13 Initial Case Management Conference (along with other case management conferences in the
 14 related cases, which have yet to be set) after the Court decides Wells Fargo’s Motion to
 15 Consolidate and the various motions for appointment of interim counsel. Regardless of the Court’s
 16 decision on the motions, this will either allow the Court to address case management issues on a
 17 consolidated complaint or allow the Court to address case management issues in the Related Cases
 18 together, when all the parties have met and conferred and prepared case management statements.
 19 This will serve the interests of judicial efficiency and constitutes good cause.

20 As the Court is aware, there are currently five related cases before the Court brought against
 21 Wells Fargo related to alleged race discrimination in home lending.¹ Wells Fargo has filed a

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 23 ¹ There are five putative class actions pending in this District against Wells Fargo which have been
 24 related and are all in front of this Court, including: *Williams, et al. v. Wells Fargo Bank, N.A., et*
al., Case No. 3:22-cv-00990-JD filed in the Northern District of California on February 17, 2022;
Braxton, et al. v. Wells Fargo Bank, N.A., et al., Case No. 4:22-cv-01748 filed in the Northern
 25 District of California on March 18, 2022; *Alfred Pope v. Wells Fargo Bank, N.A., Wells Fargo &*
Company, Case No. 3:22-cv-01793 filed in the Northern District of California on March 21, 2022;
Winfred Thomas and Michelle Sims v. Wells Fargo Bank, N.A., Wells Fargo & Company, Case No.
 26 3:22-cv-01931 filed in the Northern district of California on March 26, 2022; *Ifeoma Ebo v. Wells*
Fargo Bank, N.A., Case No. 3:22-cv-02535 filed in the Northern District of California on April 26,

1 Motion to Consolidate the Related Cases. *Id.* Plaintiffs' counsel in the Related Cases have filed
 2 motions for appointment of interim counsel. *Braxton, et al. v. Wells Fargo Bank, N.A., et al.*, Case
 3 No. 4:22-cv-01748 (motion filed on July 29, 2022); *Ifeoma Ebo v. Wells Fargo Bank, N.A.*, Case
 4 No. 3:22-cv-02535 (motion filed August 19, 2022); *Alfred Pope v. Wells Fargo Bank, N.A.*, *Wells*
 5 *Fargo & Company*, Case No. 3:22-cv-01793 (motion filed on August 19, 2022); *Williams, et al. v.*
 6 *Wells Fargo Bank, N.A., et al.*, Case No. 3:22-cv-00990-JD (motion filed on August 26, 2022);
 7 *Perkins v. Wells Fargo Bank, N.A., et al.*, Case No. 3:22-cv-3455-JD (motion filed on August 30,
 8 2022). These motions are all set for hearing on October 20, 2022.² The Court had previously set
 9 the *Williams* matter for an Initial Case Management Conference on October 20, 2022.

10 Here, good cause exists to grant Wells Fargo's administrative motion because it is
 11 premature to hold the Initial Case Management Conference, currently set for October 20, 2022,
 12 while the Motion to Consolidate and competing motions for appointment of interim counsel
 13 remain pending. Declaration of Alicia Baiardo in Support of Wells Fargo's Administrative
 14 Motion to Continue the Initial Case Management Conference ("Baiardo Decl.") at ¶ 10. Indeed,
 15 it would be a waste of the parties' and the Court's time and resources to proceed with an Initial
 16 Case Management Conference, along with all of the various deadlines and activities associated
 17 therewith, since this Court may consolidate this action with the Related Cases and/or may appoint
 18 interim counsel. If this Court grants the Motion to Consolidate, then the efforts on behalf of the
 19 Court and the parties concerning case management will need to be replicated by this Court, Wells
 20 Fargo, the other parties in the consolidated actions – and led by whomever is appointed interim
 21 class counsel (if anyone). And if the Court does not grant consolidation, the continuance will still
 22 benefit the parties and the Court. Certainly, even without consolidation, scheduling and discovery
 23 will need to be coordinated – and having the various case management conferences on a same or
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 26 2022; *Perkins v. Wells Fargo Bank, N.A., et al.*, Case No. 3:22-cv-3455-JD (filed June 10, 2022)
 (the "Related Cases").

27 ² The parties had stipulated to have the hearings held September 29, 2022, but the Court set the
 28 matters for October 20, 2022. See Dkts. 65-66.

1 similar track will allow for more efficient administration of these related cases.

2 Pursuant to Local Rule 7-11, Wells Fargo notes that Plaintiffs' counsel does not agree to
3 continue the *Williams* Case Management Conference, stating they would rather move forward
4 with the Conference on October 20, 2022. Baiardo Decl., at ¶ 11, Exhibit A.

5 **III. CONCLUSION**

6 Wells Fargo respectfully moves this Court for an order continuing the October 20, 2022,
7 Initial Case Management Conference to a date set by the Court following resolution of Wells
8 Fargo's Motion to Consolidate and the motions for appointment of interim counsel, in order to
9 avoid undue burden on the parties and the Court.

10

11 DATED: September 23, 2022 **MCGUIREWOODS LLP**

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15 WELLS FARGO HOME MORTGAGE, INC.,
16 AND WELLS FARGO & COMPANY

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 23, 2022, I electronically filed the foregoing document
3 entitled **DEFENDANT WELLS FARGO BANK, N.A. AND WELLS FARGO & CO.'S**
4 **ADMINISTRATIVE MOTION TO CONTINUE THE INITIAL CASE MANAGEMENT**
5 **CONFERENCE** with the Clerk of the Court for the United States District Court, Northern District
6 of California, using the CM/ECF system and served a copy of same upon all
7 counsel of record via the Court's electronic filing system.

8 Dated: September 23, 2022

9 By: */s/Alicia A. Baiardo* _____
10 Alicia A. Baiardo

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